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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 51st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 3 March 1993, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

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The meeting was called to order at 3.20 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1993/7, 36-40, 41 and Add.1, E/CN.4/1993/42-49, 75, 76, 79, 82, 86, 95, 99, and 102; E/CN.4/1993/NGO/6, 8, 12, 16, 23, 26-28, 31, and 38)

1. Mr. DARANOWSKI (Poland), said that the Commission's debate on agenda item 12 constituted the framework for the consideration of ways and means of assisting victims and of supporting Governments that were striving for the observance of human rights. Voices were sometimes heard questioning the right of the international community to comment on human rights violations in specific countries, but they clearly contradicted the very sense of the obligations deriving from international human rights standards. As far as human rights were concerned, all peoples were neighbours and should be concerned about the fate of victims and should share their joy if any improvement occurred. To take one symbolic example only, the international community could not tolerate the situation in which Aung San Suu Kyi, the Nobel Peace Prize winner, remained under house arrest.

2. The International Bill of Human Rights was based on a clear assumption that the individual was always weaker than the State and that human rights were fragile and sensitive. However, the International Bill did not pit the individual against the State but established an adequate equilibrium between the interests of the State and those of the individual, the strict observance of which should prevent any violation of human rights. Consequently, it was unacceptable to use State sovereignty as a shield to allow any Government to commit human rights violations.

3. Neither recognition of the International Bill of Human Rights nor accession to international instruments guaranteed in themselves that human rights would be respected and observed. Human rights situations depended primarily on the domestic framework in which human rights were applied. Consequently, the establishment of a democratic order and the adoption of the rule of law were indispensable preconditions for their protection. Fortunately, more and more States were confirming that interdependence in practice.

4. According to the law of treaties, it was for the State to determine how it gave effect to its international obligations, provided the principle of pacta sunt servanda was observed. In the case of human rights, transparency in domestic arrangements for implementation seemed to be of particular relevance and should therefore be given adequate consideration by the Commission.

5. Human rights violations could be combated in different ways. His delegation was strongly in favour of strengthening the Commission's scrutiny of areas where violations occurred, in close connection with the development

of early-warning and monitoring mechanisms. In that context, all countries should be treated on an equal footing and should acknowledge the legitimate concern of the international community. A refusal to cooperate with the Commission's representatives should be classified as non-compliance with international obligations.

6. The Commission's proceedings under agenda item 12 ought to produce an objective picture of the human rights situation throughout the world. Attention should be paid not only to human rights violations, but also to ways and means of ameliorating the situation. In that connection, his delegation welcomed the further positive developments in Romania and Albania.

7. The ultimate purpose of the Commission's deliberations under agenda item 12 was the eradication of serious and large-scale human rights violations. While seeking to improve the fate of victims and to secure the necessary changes in specific countries, the debate should also provide feedback on the prevention of breaches of international human rights law.

8. An in-depth discussion on the structural causes of human rights violations, both current and potential, was required, particularly with regard to mass exoduses and conflicts related to minorities. The further classification of patterns of serious human rights violations and their causes should facilitate the elaboration of methods to combat them. There again, preventive mechanisms were needed. In the last analysis, however, what was needed was a universal human rights culture endorsed by Governments, intergovernmental organizations, non-governmental organizations and individuals. In that connection, the prompt adoption of a declaration on the rights and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms seemed to be of particular relevance and should be discussed by the Commission.

9. Mr. NGUYEN VAN SON (Observer for Viet Nam) said that his country's Constitution guaranteed all the basic human rights and fundamental freedoms to all citizens. Legislative, administrative, judicial and social measures had been taken to ensure that they were not dead letters. All citizens had access to the courts, and any violation of a citizen's rights was punished. There were no political or religious prisoners in Viet Nam, only ordinary prisoners.

10. In recent years, respect for human rights in Viet Nam had been consolidated by the implementation of the doi moi (renewal) policy of greater openness, dialogue, development, democratization and strengthening of the rule of law. Political stability, economic development and political, economic and social democratization had proved the viability of the policy and had filled the whole population with enthusiasm and ensured its full support for the Government.

11. His delegation had noted with appreciation the positive remarks concerning Viet Nam by the observer for Denmark in his statement on behalf of the European Community. Nevertheless, it wished to point out that the road of reform was a long and difficult one and that it was not certain that all countries that followed it could reach their destination, particularly in the case of a developing country like his own which had emerged from a long period

of war. However, having obtained positive results in recent years, his Government was firmly determined to continue along that road and to build a democratic and developed State subject to the rule of law. It hoped that, in its pursuit of that noble cause, it would enjoy the true and sincere support of all countries and peoples.

12. During the Commission's debate on item 9, his delegation had drawn attention to the alarming situation of the Vietnamese currently living in Cambodia. It wished once again to appeal for more effective measures to stop any repression or massacre of them.

13. The position of his Government on the question of Jammu and Kashmir was that the problem should be solved in accordance with the spirit and letter of the Simla Agreements, under which each party had undertaken not to interfere in the other's internal affairs, to settle differences by bilateral negotiations, and not to undertake any activity that might damage relations between them.

14. Mr. HJELDE (Observer for Norway) said that, in a period of global transition marked by uniquely contradictory trends, authoritarian regimes had given way to more democratic forces and cooperation among States was being strengthened but, simultaneously, those tendencies were being seriously challenged by violent new manifestations of nationalism and brutal ethnic, religious and social strife. A renewed commitment to human rights was thus needed, with special sensitivity to ethnic, religious, linguistic or social minorities and to vulnerable groups, with a stronger emphasis on early warning, fact-finding, preventive diplomacy, effective emergency procedures, confidence-building and post-conflict resolution. The World Conference on Human Rights should deal with those issues in a comprehensive manner.

15. There was an increasing tendency to recognize human rights as an integral component of international peace and security, as reflected in several recent Security Council resolutions, most particularly in those concerned with the tragic developments in the former Yugoslavia. His Government strongly endorsed the Council's decision to establish an ad hoc International Tribunal for the prosecution of persons responsible for serious violations of international humanitarian law in the former Yugoslavia and trusted that the procedures needed for its effective functioning would be established as soon as possible.

16. The increase in racial hatred and xenophobic violence in Europe was deeply disturbing and its root causes would have to be dealt with. His Government, which had recently proposed a major initiative to that end under the auspices of the Council of Europe, fully supported the establishment of a new Commission mechanism to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

17. The democratic and constitutional reforms in the newly independent States of the former Soviet Union undoubtedly constituted a vast improvement in the overall human rights situation but there was a widening scope for ethnic tension and conflict in some of them. In Georgia and Tajikistan, for instance, ethnic minorities found themselves in jeopardy following open unrest and the outbreak of armed conflict. The international community must help to

find peaceful solutions and prevent new conflicts from breaking out. It must also support the efforts to resolve the Nagorno-Karabakh conflict.

18. In Iraq, there was a well-documented and persistent pattern of massive violations of human rights. His Government, which was particularly concerned at the plight of the Kurds and the Shia Arabs, joined in the demand that the Government of Iraq permit the monitoring of human rights, as proposed by the Special Rapporteur.

19. The human rights situation in Iran caused continued concern, despite the implementation of certain measures. There was a persistently high number of executions, severe restrictions on freedom of expression, and association and discrimination on the grounds of religious belief. The illegal death sentence imposed on Salman Rushdie, a foreign national, must be rescinded.

20. In Africa, there had been a number of welcome initiatives to promote the rule of law, democratization and political pluralism, but there was still widespread human suffering caused by civil war and other forms of internal strife. The tragedy in Somalia, which affected all segments of the population, must be ended and all the parties concerned should seize the opportunity of the forthcoming National Reconciliation Conference to reach a political solution.

21. In the Sudan, the civil war continued unabated and the human rights situation continued to deteriorate. The Commission should thus designate a special rapporteur. The recent clashes and general breakdown of law and order in Angola and Zaire, gave further cause for serious concern.

22. The recent bilateral discussions between the South African Government and the African National Congress were encouraging, but the level of violence in South Africa was still alarmingly high. The South African Government must effectively fulfil its responsibility for the lives and property of all its citizens and all other parties involved must cooperate in combating violence and human rights abuses.

23. In the Democratic People's Republic of Korea a repressive policy persisted, marked by a rigidly policed society, restricted freedom of movement and tight control of the media. His Government appealed to the authorities there to respect internationally accepted human rights and release all political prisoners.

24. The human rights situation in Burma continued to be characterized by harsh and repressive Government policies and practices. Despite some easing of constraints on the opposition and the start of work on a new constitution, serious violations of human rights still persisted. His Government appealed to the Burmese authorities to ensure full respect for human rights, including the rights of ethnic minorities, to release all political dissidents, to facilitate a speedy and voluntary repatriation of refugees from neighbouring countries, and to respect the right of the Burmese people to choose its own Government.

25. In China, including Tibet, the human rights situation continued to be a source of concern. His Government appealed to the Government of China to

release all political prisoners and to respect the ethnic, cultural and religious identity of the Tibetan people.

26. The human rights situation in Sri Lanka had generally improved, but there was still cause for international concern. The Government of Sri Lanka was to be commended on its openness, sustained efforts to bring about change and willingness to implement international recommendations. A continued partnership with the international community would be desirable in order to further promote the shared human rights objectives in Sri Lanka.

27. The ending of armed conflict in El Salvador was a great achievement, although human rights violations were still taking place. His Government appealed to both sides to ensure that the agreements were respected and their obligations discharged, with full respect for human rights.

28. It was to be hoped that the political reconciliation in El Salvador could find a parallel in Guatemala. The decision of the parties there to continue direct negotiations within a few weeks was a welcome one. However, despite the efforts made by the Government, the human rights situation was still a source of grave concern. It was therefore of the greatest importance that it should make use of every possible means to ensure that the human rights of all segments of the population were protected.

29. In Cuba, persecution and harassment of human rights activists had continued, as exemplified by the action taken against them on 10 December 1992, International Human Rights Day. It was deeply regrettable that the Cuban authorities refused to cooperate with the Special Rapporteur. His Government urged the Cuban Government to reconsider its policy and to ensure full respect for the rights and freedoms of the Cuban people.

30. Human rights continued to be disregarded in Peru. However elections had been successfully held in extremely difficult circumstances and he urged the Government of Peru to proceed towards restoring a full and representative democracy. He also appealed to the insurgents to cease their brutal practices and their use of indiscriminate violence, particularly against those striving to improve the conditions of the poorest segments of the population.

31. The human rights situation in Haiti remained deplorable, and the political situation appeared to be deadlocked. His Government strongly urged the Haitian authorities to comply with United Nations and OAS resolutions calling for the re-establishment of the legitimate civilian Government. It also fully supported United Nations efforts to restore democracy and respect for human rights in the country.

32. Lastly, his Government urged the Commission to take action on behalf of street children, a particularly vulnerable group in many parts of the world. Whatever the socio-economic difficulties, responsibility for their physical integrity and protection rested with the Government concerned.

33. Mr. NEAGU (Observer for Romania) said that it was widely acknowledged that Romania had come a long way since early 1989, when the decision to appoint a Special Rapporteur had been adopted, and 1992, when it had been agreed by a consensus resolution to discontinue that procedure. The country's

new options had been consistently enshrined in a legal and practical infrastructure for ensuring the observance of human rights and the establishment of democracy. Owing to the hardships characteristic of the transition period, much work had had to be done on building the institutional framework for protecting human rights and promoting a human rights culture. It was in the light of that experience that his delegation approached the various situations being considered under agenda item 12.

34. His Government noted with satisfaction the Secretary-General's report on the current human rights outlook in Romania, a fair, well-balanced account of the steps it was taking to consolidate democracy, human rights and the market economy. Not unnaturally, the report contained references to some isolated problems still confronting the Government. The overall positive note of the Secretary-General's account was corroborated by various other specific reports recently issued.

35. His Government would, in any case, have pursued a similar course towards establishing the rule of law in conformity with international and European democratic and human rights standards, but the analysis by the international community had exerted a positive influence in that regard. Furthermore, the Governments's constructive attitude had contributed to the growing consensus on the non-prosecutorial nature of international concern for human rights, where much more could be achieved by seeking mutually beneficial solutions than by resorting to confrontation.

36. His delegation was grateful to all those who had assisted Romania in its first difficult steps on the road to democracy and respect for human rights, and especially to those whose diplomatic skills had ensured smooth coverage of the situation in the Commission. The former Special Rapporteur for Romania had made some invaluable suggestions for improving human rights practices and had held frequent consultations with all the leading political sectors. His Government's experience of cooperation with the Centre for Human Rights to implement the long-term country programme of advisory services and technical assistance had been particularly fruitful.

37. Romania was fulfilling its commitment to human rights and democratic values and was resolutely pursuing its irrevocable integration into European economic, political and human rights institutions.

38. Mr. Soo Gil PARK (Republic of Korea) said that, consistent with his Government's renewed commitment to protecting human rights in all aspects of society, Korea had acceded to the International Covenants on Human Rights and to the Optional Protocol to the International Covenant on Civil and Political Rights.

39. Notwithstanding improvements in the human rights situation around the world, persistent violations demonstrated the need for the international community to deal more effectively with human rights abuses, and the Commission must continue to monitor the situation through its special rapporteurs and in other appropriate ways. It was regrettable that some countries refused to cooperate with the special rapporteurs. A few totalitarian regimes that had survived the end of the cold war continued to be a major source of human rights violations and since those countries were

closed to the outside world, the human rights violations there were beyond the reach of international scrutiny. That was particularly disturbing when such countries were signatories to international human rights instruments, and the international community must pay closer attention to such regimes. In addition, the end of the cold war had unleashed a violent wave of nationalism in parts of Asia, Africa and Europe, including the former Soviet Union, a trend that, if ignored, would inevitably produce further serious disturbances.

40. His Government agreed with the Secretary-General (A/47/1) that the long-term credibility of the United Nations depended upon its response to those challenges and supported his suggestion that he be authorized to bring massive human rights violations to the attention of the Security Council. It was also to be hoped that the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities would contribute to resolving problems involving ethnic and racial minorities.

41. His delegation also agreed with the Secretary-General on the need to build a universal culture of human rights, thus creating an environment conducive to the prevention of violations before they occurred. Efforts to educate the world's peoples about human rights must be stepped up and, in that context, his Government was considering acting as host for a regional Asian-Pacific workshop on human rights issues in the near future. It was also looking forward to the forthcoming World Conference on Human Rights and would participate actively in its work.

42. The Commission should play a more active role in the future. Its two special sessions on the situation in the former Yugoslavia had set an important precedent for coping with future human rights crises. In that connection, his delegation welcomed the adoption of General Assembly resolution 47/127 on strengthening the Centre for Human Rights of the Secretariat, which should enable the Centre to deal more effectively with the new mandates it received from the Commission.

43. Mr. ABADJIAN (Observer for Armenia) said that the people of Nagorno-Karabakh had, after 70 years, been forced to resort to defensive action to secure their right to self-determination. If they had had the possibility of preserving their national identity and developing their economy, culture and intellectual potential, and had not been victims of a policy of ethnic cleansing conducted by Azerbaijan, they would not have sought their independence.

44. On 10 December 1991, the people of Nagorno-Karabakh had opted for independence by an overwhelming majority in a referendum in which 85 per cent of the population had participated. That had marked the establishment of the Republic of Nagorno-Karabakh, a de facto independent State. In an attempt to stifle the aspirations of the people of Nagorno-Karabakh, the Azerbaijani authorities had launched a vast military campaign against them using all the arsenal of modern warfare.

45. The Commission must address the problem of Nagorno-Karabakh. It was essential that an instrument of international law be adopted to regulate the procedures and mechanisms for exercising the right to self-determination and

establishing the limits beyond which the principle of the territorial integrity of a sovereign State led to unacceptable violations of the human rights of national minorities. A balance must be struck between the principle of the territorial integrity of States and the right of peoples to self-determination, without any double standards.

46. Mr. GHIKAS (Observer for Greece) said that human rights violations were still occurring in Cyprus. The Turkish Government had unfortunately endorsed the intransigent position of the leader of the Turkish Cypriot community, by its rejection of Security Council resolution 789 (1992) calling upon the Turkish side to reduce its forces significantly as a confidence-building measure, just as it had rejected all previous Security Council and the General Assembly resolutions calling for an immediate end to the illegal occupation of the island. A champion of international legality in the case of Bosnia and Herzegovina, Turkey flouted Security Council resolutions when they were perceived to run counter to its interests.

47. The result was that, 19 years after the invasion of Cyprus, the people of the island still had to live with the tragic consequences of the ethnic cleansing carried out by the invading Turkish army. The leader of the Turkish Cypriot Community had explicitly justified his refusal to allow some 200,000 refugees to return to their ancestral homes by referring to the need to preserve the ethnic purity of the Turkish-occupied northern part of the island. Systematic oppression in what had become the enclave of Karpasia was deliberately aimed at forcing the Greek population to leave the area. That policy had been largely successful: numbering 20,000 persons immediately after the invasion, by 1992 the Greek population of Karpasia had fallen to only 544.

48. There had been a continuing and systematic settlement of the territories under Turkish military occupation by persons brought in from Turkey, in flagrant violation of article 49 of the Fourth Geneva Convention and the relevant United Nations resolutions. According to conservative estimates, some 85,000 had been introduced into the occupied northern part of the island. If the 35,000 Turkish occupation forces were added to that figure, the total number of Turks exceeded that of the Turkish Cypriots themselves who, for that reason, had increasingly been compelled to leave their homes also. That was a deliberate attempt to alter the demographic structure of the population of the Republic of Cyprus.

49. Mention should also be made of the systematic looting and destruction of the cultural heritage of the occupied territory of the Republic. Invaluable art objects continued to be smuggled out of Cyprus and place names had been changed in a blatant attempt to distort the history of the country.

50. If the situation was allowed to continue, it would seriously undermine the prestige of the Commission. The Turkish precedent in Cyprus had served as an example for similar ethnic cleansing operations nearer to the heart of Europe. It was thus imperative that Turkey be compelled to comply with all the relevant United Nations resolutions. His own delegation wholeheartedly supported the Secretary-General's good offices mission and was ready to cooperate in seeking a just and lasting solution to the problem.

51. Mr. AL-SALLAL (Observer for Kuwait) said that Iraq, which had a history of committing armed aggression against its neighbours and of exporting terrorism, was still holding hundreds of Kuwaiti prisoners. That was a challenge to the international and Islamic communities and ran counter to Security Council resolutions 686 (1991) and 687 (1991). Efforts by the International Committee of the Red Cross (ICRC) to obtain Iraqi cooperation so that it could carry out its humanitarian mission, had so far been unsuccessful.

52. The Commission must adopt a resolution vigorously condemning the conduct of Iraq with regard to the Kuwaiti prisoners and calling upon it to cooperate with the ICRC, which had been provided by Kuwait with files proving that the Iraqi occupation forces had been responsible for the arrest and detention of Kuwaitis.

53. Mr. ANTONIO (Observer for Haiti) congratulated the Special Rapporteur on the situation of human rights in Haiti on his report (E/CN.4/1993/47), which described the nightmare that the Haitian people had lived through since the coup d'état of 30 September 1991.

54. His delegation wished to draw the Commission's attention in particular to the humiliation and detention to which clerics in Haiti had been subjected, citing the case of Father Gille Danroc, a French priest, Father Denis Verdier of the Justice and Peace Commission, Sister Clémencia Ascianio of Venezuela, Sister Oliva Zapata of Colombia and, in particular, Monsignor Romélus, Bishop of Jérémie and President of the Justice and Peace Commission of the Catholic Church.

55. Monsignor Romélus had led the Haitian delegation to the third preparatory meeting of the World Conference on Human Rights, held at the Palais des Nations from 14 until 18 September 1992. On 24 September, having returned to Haiti, he had escaped an assassination attempt by soldiers of the Haitian army in the locality of Irois. On 25 February, after attending a requiem Mass at Port-au-Prince Cathedral he and the other 3,000 members of the congregation had been attacked and ill-treated by soldiers and armed civilians. Monsignor Romélus had been struck, spat upon, thrown to the ground and kicked. He owed his life to the intervention of international observers and diplomats, particularly the French Chargé d'affaires, who had witnessed the scene.

56. In September 1992, the Carl Levêque Centre had published a list of 47 clerics who had been victims of the repression since the coup d'état, including the case of Pastor Joseph Robinson, murdered in cold blood by soldiers on 3 August 1992.

57. University life had been disrupted by arbitrary actions directed against lecturers and students. On 12 November 1992, soldiers had arrested and ill-treated students and journalists participating in a demonstration. On 1 December, soldiers had forced their way into the Faculty of Agriculture; a number of persons had been gravely injured and a dozen had disappeared. A young man, Sony Hilogène, who had escaped, wounded, from a group execution of seven students, was later murdered in his hospital bed. On 15 December, Chrismène Myrthil, a 29-year-old engineer and law student, had been shot in the back while entering her home.

58. Freedom of opinion and expression was virtually non-existent in Haiti and radio journalists in particular had been the target of reprisals by the military. Both Haitian and foreign journalists had been the victims of verbal and physical aggression. Some had been arrested or kidnapped and badly beaten. Members of human rights organizations had also been the victims of violence or intimidation and, in one case, of rape.

59. Political persecution had caused many Haitians to take to the seas, where thousands had drowned. Some 45,000 refugees had been intercepted and subjected to refoulement. Haitian refugees should be treated as human beings with the fundamental human rights, including the right to temporary asylum until such time as a political solution could be reached.

60. For 18 months, a handful of military leaders using crime as a political weapon had defied the international community. International pressure had failed to secure a solution, although hopes had been raised by the dispatching of the civilian mission of the Organization of American States, whose objective was to end the violations and create the conditions for the restoration of a constitutional state and the return of President Aristide. Although a return to legality was vital to end the dictatorship and the persecutions, that in itself would not be sufficient to ensure the genuine and lasting reconstruction of the country without national reconciliation and an end to the impunity enjoyed by those responsible for crimes. Once a democratic political regime had been restored, the international community must cooperate with the Haitian State to identify those responsible for serious human rights violations, establish or restructure the necessary institutions, particularly the judiciary, and help ensure that the protection and promotion of human rights were given due weight in the future functioning of those institutions.

61. Mr. MICHAEL (Observer for Ethiopia) said that his country's transitional Government, which attached great importance to the protection and promotion of fundamental human rights and freedoms, had adopted a national charter, fully recognizing the Universal Declaration of Human Rights and containing provisions compatible with all the internationally accepted standards. Steps had also been taken to allow regional autonomy and self-government and to introduce a labour code. A broad spectrum of differing opinions was tolerated and encouraged in the media, to which all political organizations, including opposition groups, had access. His Government, which was open to constructive criticism from any quarter, was very appreciative of the European Community's recognition of its efforts.

62. As for the detained officials of the defunct regime, his Government had given assurances that all detainees would be given a fair and impartial trial. A special prosecutor's office and an independent court had been established for that purpose. The trials were under way and several detainees had been freed after habeas corpus actions, while others had been released on bail.

63. The detainees in question, who were senior officials of the former regime, would be charged with genocide, summary or arbitrary executions, torture, disappearance and other mass violations of human rights. Nevertheless, appropriate steps had been taken to ensure their own human rights. His Government had, in that connection, provided all the information

requested by the special rapporteurs and working groups of the Commission on human rights violations under the former regime.

64. Mr. DIENG (International Commission of Jurists) said that, in Algeria, the Government was responsible for mass arrests, torture and arbitrary detention in the face of violent opposition from the Islamic Salvation Front (FIS). The suspension of the Constitution and the establishment of special courts meant that it was virtually impossible for political opponents to obtain a fair trial.

65. In Angola, gross human rights abuses had been committed by all sides, including extrajudicial executions and arbitrary killings. Rather than the withdrawal of United Nations personnel on 30 April 1993 as planned, an increased United Nations presence was needed together with the establishment of a human rights component.

66. In Colombia, there had been some 4,000 politically motivated killings during 1992 committed by State agents, the armed forces, police, guerrillas and drug traffickers. The advisory services provided by the Centre for Human Rights were clearly inadequate and the Commission should appoint an independent expert to assist in the administration of justice and help end the practice of impunity.

67. In Myanmar, despite a number of positive developments, there was still no legal and administrative protection for the victims of human rights abuses.

68. In Peru, human rights violations occurred with shocking frequency and were committed by both the authorities and opposition groups. Although the recent election of a constituent congress was a welcome development, an independent expert should be appointed to monitor the human rights situation and report back to the Commission.

69. The Government of Morocco continued to violate the terms of the peace plan for the Western Sahara, and the fundamental human rights of the Saharan people, while the Frente POLISARIO was also responsible for human rights abuses. Strict compliance with Security Council resolution 690 (1991) was needed, together with steps to resolve the problem of voter identification.

70. In Zaire, United Nations and international pressure must be brought to bear following the recent breakdown of law and order and the Commission should appoint a special rapporteur as an important step towards bringing about democratic reforms.

71. Grave human rights violations were also being committed in Bougainville, Guatemala, East Timor, Equatorial Guinea, Haiti, Sudan and Togo, and the Commission should take steps to improve the situation in those countries.

72. In many of the cases cited, grave human rights abuses were being committed by opposition forces. In times of civil conflict, all parties must respect the provisions of article 3 common to the four Geneva Conventions of 1949. In addition, it was essential that, in states of emergency, the

rights which could not be derogated from under any circumstances, as listed in article 4 of the International Covenant on Civil and Political Rights, were respected by Governments and by all other parties.

73. Ms. LACOURT (International Federation Terre des Hommes), speaking on behalf of 17 other non-governmental organizations* as well as her own, said that she wished to draw the Commission's attention to the problem which had been described as "the coward's war", namely, the proliferation and indiscriminate use of anti-personnel land-mines throughout the world. Thousands of people had been killed and maimed through the use of such land-mines during wars in Afghanistan, Cambodia, Angola, and Mozambique, many of them women and children. Such mines were also being used in Bosnia and Herzegovina and in Somalia, where United Nations personnel had fallen victim to them. Even in peacetime they continued to pose a threat.

74. Anti-personnel land-mines were currently a problem in more than 20 countries. Cheap, easy to use and terribly effective, they were mass-produced in some 30 countries throughout the world. Their effects went far beyond military purposes, since they prohibited access to land and imprisoned populations while terrorizing peasants and farmers who had no choice but to cultivate their land in order to survive.

75. Their victims were inevitably poor civilians with no access to the rapid evacuation and surgical treatment needed to save lives and limit invalidity. Those lucky enough to survive had little hope for the future in developing countries since physical mutilation generally resulted in economic and social exclusion, reducing them to dependence on begging and petty theft.

76. Apart from the individual suffering caused, the proliferation of anti-personnel land-mines in third world countries was a major obstacle to economic development. In some cases, the mining of agricultural and pastoral land could threaten the survival of entire populations. The seven million land-mines laid in Cambodia were preventing the population from farming the land and rendering extremely perilous such tasks as searching for food, firewood and water. Of the 270,000 hectares of land originally intended for the repatriation of Cambodian refugees, less than half was mine-free. As a result of that situation, rural populations were moving to the towns and cities, creating further economic and social problems. At the same time, efforts to clear mines from agricultural land were hampered by the desperate lack of financial resources and qualified personnel.

77. In the firm conviction that the proliferation of anti-personnel land-mines constituted a shameful and unacceptable violation of human rights, the organizations she was representing recommended that all States Members of the United Nations should be invited to declare a five-year moratorium on the production, sale, transfer and export of anti-personnel land-mines and any related military or commercial assistance; to convene and take part in an emergency conference as outlined in the Convention on Prohibitions or

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* The non-governmental organizations in question are listed in the annex to this record.

Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, with a view to achieving a total ban on anti-personnel land-mines; to cooperate in the surveying and marking of mined areas and in the de-mining of priority areas; and to increase intergovernmental cooperation and to work together with non-governmental organizations for the treatment and rehabilitation of the victims of mines, particularly children.

78. The organizations she was representing also requested the Commission on Human Rights to transmit their concerns about the production, sale and use of anti-personnel land-mines to the Economic and Social Council, the General Assembly and the Secretary-General of the United Nations and to appoint a special rapporteur to study the problem and assess the human rights violations it caused, with particular reference to the long-term question of the right to development.

79. Mr. AL-JADIR (Arab Organization for Human Rights) said that Israel was continuing to violate the human rights of Palestinians in the occupied territories, most notably through its recent deportation of hundreds of Palestinian civilians in contravention of its obligations under the Fourth Geneva Convention. Security Council resolution 799 (1992) was the most recent in a long line of resolutions condemning such practices. It had reaffirmed the applicability of the Fourth Geneva Convention to all the Palestinian territories occupied by Israel since 1967, including Jerusalem, and demanded that Israel ensure the return of all those deported.

80. The deported Palestinians were living in extremely difficult conditions without the basic necessities of life, while Israel continued to act with total impunity. The Commission on Human Rights had always stressed the indivisibility of all human rights and there was no place for double standards. If the deportations constituted a violation of the Fourth Geneva Convention, then the return of only 100 of the deportees could scarcely be considered adequate to remedy the violation.

81. His organization called for an end to internal repression and external aggression in Iraq. Numerous Security Council resolutions had asked the Government of Iraq to halt the repression of its people, guarantee human rights, and grant access to humanitarian organizations. In addition, the United States had once again bombed Iraqi factories and technological installations needed to produce electricity and refine oil. The United Nations embargo and measures introduced by the coalition countries, without authorization by the Security Council, added further to the people's suffering.

82. Turning to the situation in other countries, described in his organization's annual report, he said that, despite three royal decrees guaranteeing certain rights in Saudi Arabia, legislation in that country still did not meet international standards. The human rights provisions of the Sharia were not codified, and existing guarantees were subject to exceptions that weakened them. In particular, political rights were seriously restricted and power was concentrated in the hands of the King.

83. In Morocco, the changes instituted as a result of the November 1992 referendum, including the confirmation of political equality between men and women and the investing of greater authority in the Parliament, had not met the opposition's expectations.

84. In Djibouti, although a law had been passed ending the monopoly of one political party, the situation of political rights was not satisfactory. According to the Constitution, the Government was responsible to the President of the Republic and not to Parliament.

85. In conclusion, he said that his organization had always worked towards the defence of human rights and the strengthening of political, constitutional and legal guarantees in the Arab countries.

86. Mr. O'NEILL (Lawyers Committee for Human Rights) said that it was ironic that, while the importance of protecting human rights worldwide continued to gain increasing acceptance, the consequences of the failure to do so appeared more and more frequently on television screens. The question thus arose of the effectiveness of the international community, not least the Commission, in addressing human rights violations.

87. In the Islamic Republic of Iran, human rights violations persisted, including the use of the death penalty after trials which did not meet international standards. In March 1992, the International Committee of the Red Cross (ICRC) had been forced to suspend its prison visiting programme, which had only just started after years of negotiations. That action and the failure to grant the United Nations Special Representative permission to visit the country in 1992 demonstrated the Iranian Government's unwillingness to cooperate with international efforts to improve respect for human rights.

88. In Burma (Myanmar), there were continuing serious and widespread violations of human rights by the ruling State Law and Order Restoration Council, including unlawful arrests, the use of torture, long-term detention without trial and unfair trials. Despite the recent release of some political prisoners, many more remained in detention. His organization noted with deep concern that, during his last visit, the Special Representative on Myanmar had been prevented from meeting the detained opposition leader, Aung San Suu Kyi, and other members of the political opposition.

89. In Haiti the human rights situation was catastrophic. The previous week, Monsignor Romélus, Bishop of Jérémie, and other worshippers had been attacked, in full view of the Port-au-Prince police, at a requiem Mass for the hundreds of persons who had been drowned in a shipwreck. The Commission should send its Special Rapporteurs on summary or arbitrary executions and torture and the Working Group on Enforced or Involuntary Disappearances to Haiti to investigate violations within their respective mandates.

90. In Malawi, there had been continued violations of basic human rights by the Government in 1992. In a crack-down on unprecedented public protests, security forces had detained hundreds of persons without charge. Prison conditions remained extremely harsh, with deliberate overcrowding, and there were consistent reports of widespread beatings and other forms of cruel, inhuman or degrading treatment or torture inflicted upon detainees. The

20 uninvestigated deaths in police custody in 1992 exemplified the absence of police accountability to the judiciary.

91. In the Sudan, serious human rights violations had occurred throughout 1992. Between June and August, 300 people had been extrajudicially executed in Juba, and thousands more remained missing. Around Khartoum hundreds of persons suspected of anti-Government activity were held incommunicado and without charge in "ghost houses" and reports of maltreatment and torture were common. The Nuba people of South Kordofan, in particular, had suffered a pattern of extrajudicial executions, mass arrests and forced displacement, raising the possibility of an official policy of ethnic cleansing.

92. His organization was also deeply concerned at the human rights situation in Peru, where Government actions had compounded existing human rights problems, including extrajudicial executions, torture and rape by security forces which acted with virtual impunity. The President's actions in April 1992 - suspending the Constitution, closing the legislature and purging the court system - had been followed by a sustained attack on laws and standards protecting basic rights, and the recently elected legislature had legalized the damage.

93. Gross human rights violations should always be considered under agenda item 12. The advisory services programme should not become an escape route from item 12 that could be used by Governments to claim a public relations victory back home. In that context, his organization wished to call attention to its written statements on El Salvador and Guatemala, which recommended scrutiny under agenda item 12 for both countries.

94. His organization also urged the Commission to condemn the failure of certain Governments and regimes to cooperate with individuals appointed by the Commission to examine the human rights situation in their countries. In addition, it should pay attention to other countries where grave human rights violations occurred but which had not hit the headlines for various reasons, including political expediency.

95. Mr. YOUSIF (Sudan), speaking in exercise of the right of reply, said that the representative of the Arab Lawyers Union was a Sudanese national who had been using the organization since 1984 to make defamatory and baseless accusations against his own country. The political statement made by that person at a previous meeting called for some clarifications. First, national sovereignty was a sacred principle enshrined in the United Nations Charter. Secondly, the National Islamic Front referred to in the statement as being represented by the Government of the Sudan had been dissolved as a political entity in 1989. Other allegations in the statement remained sheer lies or exaggerated rumours.

96. The reference to the General Assembly resolution on the Sudan had been taken out of context. That resolution had not condemned the Sudan but had simply indicated concern. In any case, it was a politically motivated resolution, as his delegation had repeatedly stated.

97. Mr. Andro Tombi and Mr. Abdam Tal had been executed after being convicted of conspiracy leading to the shelling of Juba by rebel forces and the deaths of 300 persons. Such criminals could not be made heroes by misrepresentation of their case before the Commission. While defending the rights of two criminals who had been duly tried and executed, the representative of the Arab Lawyers Union denied to hundreds of thousands of persons described as fundamentalists the right to life and other basic human rights. He would not dwell on the allegations further, but would simply refer to the statement made by his delegation to the Commission on 18 February 1993 and to other information it had circulated.

98. Mr. MASRI (Syrian Arab Republic), speaking in exercise of the right of reply, said that he wished to set the record straight after hearing the statement by the representative of the European Community. He categorically reaffirmed that there were no detainees of conscience in Syria. Article 38 of the Constitution protected the citizens' right to full freedom of expression, orally or in writing, and to freedom of association and peaceful demonstration. No one in Syria was detained without proper judicial procedures, and there was a complaints office in the department of the President of the Republic, to which citizens could turn if they felt their rights had been violated. Public officials could be brought to court if they acted contrary to the Constitution, and the Constitutional Court monitored the constitutionality and the proper implementation of the laws.

99. Because of Syria's war with Israel and the occupation of and terrorist acts in part of its territory, his Government had had to enact emergency measures that had not gone beyond the letter and spirit of the Constitution and the international human rights instruments. The Emergency Act, promulgated by the National Assembly, had enabled the executive to impose essential security measures, within the narrowest possible limits, to protect the lives of citizens against abuses by certain prohibited organizations. In that connection, his delegation had, on 31 August 1992, sent a communication to the Under-Secretary-General for Human Rights, which had been circulated as an official document under agenda item 11 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

100. Syria had received observers from international human rights organizations and other eminent personalities, all of whom had been able to check on the accuracy of what he had stated.

101. Mr. MBARUSHIMANA (Observer for Rwanda), speaking in exercise of the right of reply, said that the human rights violations committed in his country were the direct result of the resumption of the war by the FPR-INKOTANYI, to which his Government made an urgent appeal to cease hostilities and pursue the final phase of political negotiations. In that connection, he welcomed the statement by the representative of the European Community condemning the resumption of hostilities by the FPR-INKOTANYI and making the same appeal.

102. His Government had facilitated the work of an international commission of inquiry that had visited Rwanda in January 1993 to shed light on all violations of human rights committed in the country during the war. While he hoped that the report of that commission would show that the allegations were not justified, his Government was prepared to implement its recommendations

and, if irrefutable proof were provided of the involvement of any State officials in human rights violations, it would prosecute those responsible.

103. However, FPR-INKOTANYI must make the same commitment, if impunity was to be eliminated once and for all. To submit a complete and credible report, the international commission should conduct further investigations in the area controlled by FPR-INKOTANYI, since that organization had not permitted it to carry out its work properly.

104. Mr. AL-KADHI (Observer for Iraq), speaking in exercise of the right of reply, said that the statement by the observer for Kuwait to the Commission had been out of keeping with the normal practices of international organizations. The references to Kuwaiti prisoners of war showed that that observer was using the Commission's session to spread lies, as the Kuwaiti Ambassador to Washington had done when he had tried to present his own daughter as a supposedly impartial witness claiming that Iraqi forces were killing Kuwaiti children.

105. The International Committee of the Red Cross (ICRC) was well aware of Kuwait's fictitious names and contradictory evidence in its charges concerning prisoners of war. Iraq had cooperated fully with the ICRC, enabling it to visit Iraqi prisons and circulating the names of prisoners for identification purposes. However, the Kuwait regime was conducting a campaign for political ends, especially in connection with the continued unfair embargo against the Iraqi people. He wondered whether the Commission was satisfied that human rights were respected in Kuwait.

106. Mr. SEMICHI (Observer for Algeria), speaking in exercise of the right of reply, said that his delegation had been most surprised to hear Algeria included in the International Commission of Jurists list of countries in which human rights were violated. That peremptory judgement, totally lacking in nuance, could not but hurt the Commission's reputation. The very language used by the representative of the International Commission of Jurists revealed that he doubted the reality of his statement, thus seriously weakening its credibility.

The meeting rose at 6.05 p.m.

Annex

The statement made under agenda item 12 by the representative of the International Federation Terre des Hommes was also sponsored by the following organizations:

World Student Christian Federation
World Union of Catholic Women's Organizations
African Association of Education for Development
Defence for Children International
Liberation
International League for the Rights and Liberation of Peoples
Centre Europe-Tiers Monde
Disabled Peoples International
International Educational Development
International Fellowship of Reconciliation
American Association of Jurists
International Immigrants Foundation
Women's International League for Peace and Freedom
World Federation of Methodist Women
Pax Christi International
Third World Movement Against the Exploitation of Women
World Conference on Religion and Peace